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Post-War Rumania

RUMANIA can claim the distinction of having attracted in recent years the interest not only of serious students of international affairs but also of the general newspaper-reading public. This is obviously due to the fact that its problems of post-war reconstruction have expressed themselves in—and in part been overshadowed by—certain spectacular events and the attendant clash of personalities. Popular interest has, therefore, centered in the personal, and more specifically, in the dynastic aspects of the Rumanian situation, and has been constantly stimulated by such occurrences as Prince Carol's renunciation of his succession to the throne, the setting up of a Regency for his five-year-old son, Michael, Queen Marie's tour of America, the protracted illness and death of King Ferdinand and the passing of Premier Ion Bratianu.

This report will attempt to give a brief account of the many questions which confront post-war Rumania, first in some of its domestic affairs and secondly in its relations with foreign countries.

Rumania emerged from the World War and the Peace Conference more than doubled in size, taking rank—with an area of 114,000 square miles and a population of 17,500,000—among the middle-sized states of Europe, immediately after Spain and Poland. Its aggrandizement was effected at the expense not only of enemy countries—Austria-Hungary and Bulgaria, who ceded Bukovina, Transylvania, part of the Banat of Temesvar and the remnant of the Dobrudja—but also of a former ally, Russia, from whom it took Bessarabia. Hence, Rumania has vigilantly guarded the peace treaties and has made a sustained effort to consolidate its international position through diplomatic combinations necessary to induce Hungary and Russia, and to a lesser degree Bulgaria, to recognize the new situation psychologically as well as legally.

Another consequence of the war and of the Russian Revolution was the Agrarian Reform which effected a complete transformation in economic and social conditions in Rumania. The break-up of the feudal

system had begun in Rumania with the expropriation of monastic lands in 1864. In 1889 the state domains, comprising one third of the total area of the country, were parcelled out. The Peasants' riots in 1907 showed the need of more drastic measures. But it was not until 1920 and 1921 that successive agrarian laws practically converted Rumania into a land of peasant proprietors, the large estates which still remained comprising only 15 to 20 per cent of the total area of the country. Simultaneously universal manhood suffrage was introduced, tending to transfer political power to the landowning peasantry created on the ruins of the landowning aristocracy that had been the backbone of the pre-war Conservative party. Indeed, it is the determination of the Liberal party to delay this inevitable shift of political power that appears to be mainly responsible for the domestic political struggle of recent years, of which the dynastic question has been merely the most dramatic phase.

REVOLUTIONARY CHANGES IN POST-WAR RUMANIA

Post-war Rumania differs from the Rumania of 1914 in three fundamental respects. It is more than twice as large and populous; its land belongs to millions of peasants instead of to a few thousand great landowners; its government has acquired the fundamental requisite of democracy, universal manhood suffrage. But in spite of these changes, the combined results of which amount to a revolution, it is still governed by the Liberal party which, with but a few brief interruptions, was in power during the half century of Rumanian independence preceding the war of 1914. The forces that have been liberated by its phenomenal territorial aggrandizement, agrarian reform and universal suffrage, though organized and politically active and articulate, have failed so far to capture the government. It is this anomaly that explains to a considerable extent the almost chronic political crisis with which Rumania has been afflicted in recent years.

No country in Europe before the war approximated the two-party system that gov-

erned English politics in the 19th century to the same degree as Rumania. The Conservative party, whose last leaders were M. Carp and M. Marghiloman, alternated in office with—though less often than it served as Opposition to—the Liberal party. The latter was led by M. Ion Bratianu, who inherited the leadership from his father, its founder and one of the architects of Rumanian independence. The Conservatives, as in England, represented the landed aristocracy, while the Liberals relied for their strength on the industrial, commercial and banking interests. During the war the Conservative party was openly pro-German. But though Rumanian public opinion sympathized with the western Allies and in particular with France, M. Bratianu did not adopt the thick-and-thin pro-Entente course advocated by M. Take Ionescu, the most internationally-minded of Rumanian statesmen. He pursued a strictly realistic Rumanian policy, bargaining with both sides and holding out for the maximum satisfaction of Rumanian claims; and when he finally made his choice it was because, in the nature of things, the Entente (by the Treaty of August 17, 1916) was in a position to promise much more than Germany. Thus to its long record the Liberal party added the supreme achievement of leading Rumania into the war on what turned out to be the victorious side, a momentous step which consummated the work of national unification.

TRANSFORMATION OF POLITICAL PARTIES

At the end of the war the party situation was completely transformed. The Conservative party, its prestige greatly lowered by its pro-Germanism during the war, was practically wiped out as a result of agrarian reform and the introduction of universal suffrage. On the other hand, the annexation of Transylvania brought the National Transylvanian party into Rumanian politics under the leadership of M. Vaida Voivod and M. Juliu Maniu. Moreover, the agrarian reform coupled with universal suffrage created a peasant democracy represented by the powerful Peasant (Tsaranist) party, with M. Mihailescu and M. Lupu as leaders. Its back-



Prepared by the Foreign Policy Association.

MAP OF SOUTHEASTERN EUROPE

bone was the rural population of another recently acquired province, Bessarabia.

This transformation of the political scene was reflected in the rapid series of political experiments which followed. M. Vaida Voivod's short-lived coalition government of 1919 depended for its parliamentary support mainly upon 205 National Transylvanians and 130 Tsaranists, returned to Parliament by the first general election held in Greater Rumania. But the successor of M. Vaida Voivod belonged to none of the above-named political groups. General Averescu, "the victor of Marasesti," following the traditional course of popular generals, came upon the political scene as the leader of the People's party, which represented no particular class and no vested interests and claimed to have sprung "from the sufferings of the war." The People's party had an opportunity to make

a broad popular appeal and to establish itself on a permanent national basis. But although in 1920 the second general election held by General Averescu's Government returned it 250 strong to a Chamber the membership of which had been reduced from 568 to 369, King Ferdinand ultimately dismissed General Averescu rather summarily from office. The party's two years in power had been disappointingly barren of results and in the general election of 1922, conducted by the Liberal Government amid an unprecedented orgy of corruption, its parliamentary representation was reduced to 12. Nevertheless, when the Liberal Premier, M. Bratianu, resigned in the spring of 1926 after four years in office, it was to General Averescu that the King turned again in spite of the exiguous parliamentary strength of the People's party.

If, as was generally believed at the time, the King's choice was dictated by M. Bratianu on the assumption that the General would serve as a convenient stop-gap pending the return of the Liberals to power, the Liberal leader was rudely undeceived by what immediately followed. At the general election held in May, 1926, by the Averescu Government, the Liberals were the outstanding victims of the electioneering methods which they had themselves so effectively used against the Opposition in 1922. Their strength was reduced to sixteen members as against thirty-two National Transylvanians, thirty-seven Tsaranists and 292 Government adherents. General Averescu's independence became increasingly accentuated during his one year in office. His visit to Rome, the Italian-Rumanian Treaty which was looked upon as giving an Italian orientation to Rumanian policy, and his reputed admiration of Fascism, gave rise to the suspicion that upon the King's death he would attempt with the Army's help a *coup d'etat* to establish a dictatorship on the Fascist model. Whether or not these suspicions were well founded, they were apparently shared by the King who, presumably inspired by the Liberals, demanded a coalition government and when the General's efforts to form one were sabotaged by the other parties, asked for his resignation. If the General harbored the intentions attributed to him, he missed his chance when he meekly submitted to the royal will. For at the general election held in July, 1927 by the Liberals, who were recalled to power after Prince Stirbey had failed to form a coalition government, the People's party suffered a definitive eclipse.

In a comparatively short time Rumanian party politics thus completed a circle and returned to what was virtually a two-party system, with the Liberals under M. Ion Bratianu on the one hand, and on the other the National Peasant party under M. Maniu. The latter party had been formed in 1926 by the merging of the Peasant party and the National Transylvanian Party, which itself had absorbed the personal following of Professor Iorga in 1925. Racial minorities in Rumania have recently shown an increasing tendency to enter into political pacts with

the two dominant political parties as an effective means of safeguarding their interests. And the electoral law of March, 1926, which, somewhat on the Fascist pattern, gives a majority in parliament to the party which polls forty per cent of the votes cast, while it deprives of any representation those groups which have failed to muster two per cent of the total, has tended still further to eliminate the smaller parties. Thus the Socialists who were represented by fifteen members in the Parliament of 1920, and were able to return two in 1922, failed to secure any representation in subsequent general elections because of their inability to muster more than two per cent of the total poll. There still remain, however, a few smaller groups, the most articulate of which is the ultra-nationalistic and anti-Semitic League of Christian National Defence under the leadership of Professor A. C. Cuza.

The differences in the historical background, the personnel and the policies of the Liberal and National Peasant parties are sharply defined and fundamental.

THE POLICY OF THE LIBERAL PARTY

The Liberal party, having inherited the traditional continental liberalism of the 19th century, seems to have exhausted its program of reform after the attainment of national independence and unity, the extension of the franchise and the destruction of the power of the landed aristocracy. With the disappearance of the Conservative party, the remnants of which it has absorbed, it now finds itself the defender of the existing order, representing as it does the concentrated wealth and the vested industrial, commercial and especially banking interests. It is, in short, the party of Big Business. It therefore favors indirect rather than direct taxation, and a high protective tariff for the benefit of home industries, and it has pursued a policy of economic nationalism which, its opponents claim, has mainly benefited the powerful interests that are closely identified with it. Its attitude of hostile reserve towards foreign capital, in the opinion of these opponents, has deprived Rumania of foreign financial assistance urgently needed for its

financial reconstruction. It has so far failed to stabilize the *leu* and the goal of its financial policy seems to be the revalorization of the currency. While it has the agrarian reform to its credit, its opponents claim that it has done little to help the peasants to benefit thereby or to promote the cause of agriculture in what is after all a predominantly agricultural country.

THE NATIONAL PEASANT PARTY

The National Peasant party, on the other hand, represents the peasant democracy that came into its own as a result of the agrarian reform and universal suffrage, as well as the political and administrative liberalism of the Transylvanian Rumanians. It has a comprehensive program of reform, the most substantial item of which is the strengthening of the agricultural co-operatives through more generous financing by the National Bank. It professes a more liberal attitude towards foreign capital and advocates administrative decentralization, a certain amount of local self-government, the reform of the rural gendarmerie and a more enlightened policy towards the minorities.

The failure of the National Peasant party to hold office, despite its overwhelming numerical preponderance, is due mainly to the decisive rôle played by the Crown in Rumanian politics and to the ability of the government in power almost invariably to control a general election. The late King Ferdinand gave a liberal interpretation to the constitutional provision (Article 88) which vests in the Crown the power to "appoint and dismiss" the ministers. On more than one occasion Rumanian Prime Ministers resigned at the royal behest regardless of the parliamentary situation. This was true of M. Voivod's resignation in 1919 and his replacement by General Averescu. It was true, also, of the latter's replacement for a few months by the late M. Take Ionescu and of M. Bratianu's accessions to the Premiership in 1922 and in 1927, as well as of General Averescu's second administration in 1926. In every one of these cases, except that of M. Ionescu, who resigned after a vote of censure, the Prime Minister appointed by the Crown dissolved Parlia-

ment and held a general election from which his party emerged victorious. Thus by the free use of the royal prerogative, frequent dissolutions and the operation of what seems to be an unwritten law of Rumanian politics whereby the government in power never loses a general election, Greater Rumania has been ruled so far, with the exception of the short-lived Voivod Ministry in 1919, by the parties of the Regat (pre-war Rumania) and in particular by the powerful Liberal party.

THE DYNASTIC SETTLEMENT OF 1926

King Ferdinand's coolness to both the Peasant and the Transylvanian wings of the National Peasant party was probably due to the anti-dynastic and republican sentiments attributed to the more radical elements of the former and to the latter's abstention from the coronation ceremonies of 1922 as a protest against the high-handed conduct of the general election of 1922 by the Liberal Government. Whatever the causes of the estrangement, the King's conduct marked him out as the ally of the Liberal party and enhanced the significance of the dynastic crisis which Prince Carol precipitated when, on December 28, 1925, he renounced his right of succession to the Rumanian throne. In view of the King's obvious reluctance to see the National Peasant party in office, the temptation was strong for the latter to turn to Prince Carol as their champion, all the more so since his relations with M. Bratianu were notoriously strained.

The dynastic settlement effected after Prince Carol's renunciation placed the National Peasant party in an awkward position, which showed itself for a time in a wavering and rather ambiguous attitude. At the Crown Council held in Sinaia on December 31, 1925, M. Mihalake, the Peasant leader, endorsed the King's acceptance of Carol's renunciation, recognized the reversion of the succession to Prince Michael and expressed his party's loyalty to the dynasty and the monarchy. But M. Maniu, the National Transylvanian leader, formulated certain reservations, and in the course of the debate in Parliament on the dynastic measures introduced by the Liberal Govern-

ment he condemned the setting up of a Regency during the King's lifetime as an insult to the monarch. Later the National Transylvanian party abstained from voting on either the Succession Act or the Regency Act* (the first of which was passed by a majority of 231 against 3 out of a total membership of 369, while the second was carried by 367 votes in a joint session of the Chamber of Deputies and the Senate). It is reasonable to assume that a Regency which owed its existence to the Liberal Government and, in view of Prince Michael's youth, threatened to wield the royal power over a long period of years was extremely distasteful to the National Peasant party. But on the other hand Prince Carol's erratic conduct raised grave misgivings as to the expediency of elevating him to the throne and made the espousal of his cause increasingly difficult. The popularity which he enjoyed both in army circles and among the people at the time of his renunciation rapidly waned, especially when it became known that he refused to consider the restoration of his rights unless he was permitted to divorce his wife. In a letter to Premier Averescu dated November 30, 1926, King Ferdinand reaffirmed his determination to uphold the dynastic settlement, and the Executive Committee of the National Peasant party finally decided on April 4, 1927 not to reopen the dynastic issue.

THE REGENCY AND THE LIBERAL PARTY

With the death of King Ferdinand in July, 1927, the royal power became vested in the Regency and a few months later the powerful statesman who had set it up also passed from the scene. To the very end M. Bratianu would accept no modification of the dynastic settlement, and M. Vintila Bratianu, his brother and successor in the Premiership, has so far maintained the same

intransigence on the dynastic issue. The course of Rumanian politics in the immediate future will depend on whether the Regency will emulate the late King's drastic use of the royal prerogative, and M. Vintila Bratianu his brother's Olympian disregard of the rights of the Opposition. The Liberal party, deprived of the services of its great leader, seems to realize the need of a more conciliatory attitude. And the presence in the present Liberal Government, in the important post of Foreign Minister, of M. Nicholas Titulescu, who is not strictly a party man but a career diplomat primarily concerned with enhancing Rumania's prestige abroad and bettering its international situation, is an added guarantee of moderation. As a matter of fact, since M. Bratianu's death the Liberals have been anxious to form a coalition government similar to that of M. Zaimis in Greece. M. Maniu has hitherto declined the proffered cooperation, feeling apparently that the coveted prize of undisputed power is within his grasp if his demand is granted for the dissolution of Parliament and the holding of fresh elections freely conducted. But the Liberal Government, enjoying a comfortable majority in the present Parliament, is unwilling to make this far-reaching concession. In the meantime rumors that it is contemplating a change in the personnel of the Regency are officially denied, and a recent interview appearing in the *Petit Parisien*, in which the leader of the Opposition is reported to have expressed his intention to place Carol on the throne or, failing that, to proclaim a Republic, has been branded as a gross distortion.

Regardless of the authenticity of this interview, the prevalence of the impression that in the recent past the Crown has identified itself too closely with the Liberal party is very significant. On the determination and the ability of the present wielders of the royal power and of the Liberal party to dispel this impression by a return to strict constitutionalism will depend to a great extent the future of the monarchy in Rumania.

*The Regency, set up by the Act of January 6, 1926 consists of Prince Nicholas, Dr. Miron Cristea, Metropolitan of Bucharest and Primate of Rumania, and M. George Buzdugan, President of the High Court of Cassation.

FOREIGN RELATIONS OF "GREATER RUMANIA"

In consequence of its many-sided expansion at the close of the Great War, Rumania found itself among the territorially saturated states and naturally became a protagonist of the *status quo* established by the peace treaties. In this capacity it has been on the defensive on three diplomatic fronts—the Russian, the Balkan and the Central European.

Russia has been more implacably hostile to its southwestern neighbor than to any of the other border states, from Finland to Poland, which owe their very existence to the territorial spoliation of the Russian Empire. The main, perhaps the only, cause of Russia's attitude is the annexation by Rumania of the province of Bessarabia which, since its cession by the Ottoman Government to Russia by the Treaty of Bucharest in 1812, had formed part of the Russian Empire.

THE ANNEXATION
OF BESSARABIA

During the Great War, when Rumania was hesitating between the two belligerent groups, it was confronted with the alternative of joining the Western Allies and, in the case of victory, acquiring Transylvania, the Banat and Bukovina, or of throwing in its lot with the Central Powers and recovering the whole of Bessarabia. By the secret treaty of August 17, 1916, it chose the former alternative. But although, with its armies crushed and its territory overrun as far as the Sereth, Rumania was compelled to conclude the unfavorable separate treaty of Bucharest with the Central Powers (May 6, 1918), it emerged from the Peace Conference two years later with practically all the spoils that had been promised to it by both the belligerent groups. This astounding reversal of fortune was due primarily to the victory of the Allies, thanks to which Rumania acquired Hungarian, Austrian and Bulgarian territory, while the Russian Revolution, the attendant internal chaos and the rupture between the Allies and Soviet Russia enabled it to seize and hold Bessarabia with the consent of the principal Allied Powers.

The people of Bessarabia themselves were not entirely passive. Immediately following the Russian Revolution of March, 1917, the National Moldavian party inaugurated a movement for Bessarabian autonomy within the framework of free Russia and in December of the same year the Moldavian Diet proclaimed the Democratic Moldavian Republic (Bessarabia) a unit of the Federated Democratic Russian Republic.

Early in 1918 Rumania, which until then had been an interested spectator of events in Bessarabia, was invited to take an active hand. The depredations of the disbanded Russian troops returning home across Bessarabia and the fear of encroachments on the part of the Ukraine compelled the leaders of the Moldavian Republic to invoke the military protection of Rumania. The occupation of Bessarabia by Rumanian troops in January, 1918, in response to their invitation, injected a new and decisive factor into the situation. True, the Rumanian General, Broshteanu, emphasized the temporary character of the occupation. M. de St. Aulaire, the French Minister in Rumania, characterized it, on behalf of all the Allies, as "a purely military measure" that could have no bearing "either on the present situation in Bessarabia or on the future state of the country." Moreover, a Russo-Rumanian agreement was signed on January 28, 1918, pledging Rumania to withdraw its troops within two months.

It is not inconceivable that both the Rumanian Government and the Allies originally meant the occupation of Bessarabia to be temporary. But when, as a result of the Brest-Litovsk treaty, Rumania was faced with the ineluctable necessity of concluding a separate peace, and the prospect of annexing Transylvania, Bukovina and the Banat seemed to have vanished, Rumania naturally turned eastward for compensation, not without the approval of Germany. The Moldavian Democratic Republic across the Pruth, which had already declared its complete independence from Russia (January 23, 1918) and was, most conveniently, under Rumanian military occupation, offered an

opportunity for considerable aggrandizement. The opportunity was soon seized. On March 27, 1918, having listened to Premier Marghiloman and to M. Constantine Stere, the fiery Moldavian journalist and agitator, the Moldavian Diet voted (by 86 to 3, with 36 abstentions and 13 members absent) for Bessarabia's "union with its mother country, Rumania." But the condition was attached that it should retain its provincial autonomy with its own Diet, "an executive organization and its own administration."

These fundamental conditions attached to the resolutions of March 27 were ignored by the Rumanian Government. A strict régime of martial law and administrative centralization was immediately established throughout Bessarabia, the opponents of union with Rumania were muzzled and the Moldavian Diet was duly purged. The final act of the Bessarabian drama was played in the early morning hours of November 27, 1918, when the rump of the Moldavian Diet voted unanimously for unconditional union with what promised to become Greater Rumania.

BESSARABIAN TREATY OF OCTOBER, 1920

The treaty of October 28, 1920, between the Principal Allied Powers—the British Empire, France, Italy and Japan—and Rumania, by which the latter secured international recognition of the annexation of Bessarabia, was a unique document. It authorized the transfer of an entire province from one state to another, yet it did not bear the signature of the state whose territory it alienated. It provided, moreover, that all questions which might be raised concerning its details by Russia, the despoiled party, should be submitted to the arbitration of the Council of the League of Nations, of which Russia was not a member and whose authority it consistently flouted.

Since the conclusion of the Bessarabian Treaty, Rumanian diplomacy has endeavored to secure (1) its ratification by the signatory Powers, (2) Russian recognition of the

annexation of Bessarabia and (3) a system of defensive alliances against eventual attempts on the part of Russia to recover it. Even the first of these tasks has not been simple. The British and French Governments would not agree to ratify the treaty of annexation until after Rumania had agreed to pay their nationals in Bessarabia, expropriated by the Agrarian Law, practically the full value of their land, or about forty times the amount of compensation received by Rumanian citizens. Great Britain ratified the treaty first on April 14, 1922; and France followed suit on June 7, 1924, after the failure of the Russo-Rumanian Conference in Vienna (April 2, 1924) to effect an agreement. Italian ratification was promised in Premier Mussolini's letter to Premier Averescu on the occasion of the conclusion of the Italo-Rumanian treaty of September 12, 1926; and was effected on March 9, 1927.

EFFORTS TO ESTABLISH AN ANTI-RUSSIAN BLOC

The second objective of Rumanian diplomacy, the formation of an anti-Russian bloc so formidable as to compel Russia to bow to the inevitable and accept the loss of Bessarabia as a *fait accompli*, has met with little success. From the Rumanian point of view nothing could be more desirable than the creation of a united Little Entente front against Russia similar to the one that has proved so effective against Hungary. (See p. 388.) But no issue comparable to the Bessarabian dispute stood between Russia and the two Slav States of the Little Entente, Yugoslavia and Czechoslovakia, and Rumania had no *quid pro quo* to offer its partners for their guarantee of its possession of Bessarabia. Even the need of a united front against the Bolshevik menace did not seem as pressing in Prague and in Belgrade as it did in Bucharest. At the Little Entente Conference held in the Rumanian capital (May 9-11, 1925), M. Duca, the Rumanian Foreign Minister, urged a united diplomatic front against Russia on the familiar ground that under cover of the Bessarabian dispute Soviet propaganda was interfering in Rumania's domestic affairs.

His plea was reinforced by M. Vassilieff, an emissary of Premier Tsankoff of Bulgaria, who propounded the thesis that the aim of Russian policy in the Balkans was to frustrate a *rapprochement* of Yugoslavia with Bulgaria. Both M. Nintchitch of Yugoslavia and M. Benes of Czechoslovakia, however, belittled the Bolshevik menace in Central Europe and the Balkans and were careful not to commit themselves beyond promising M. Tsankoff their moral support in the war of extermination which he was then waging against Communism in Bulgaria. Though the conclusion of the German-Russian treaty of neutrality (April 26, 1926) tended to arouse Yugoslavia's and especially Czechoslovakia's suspicions with regard to Russia, their policy continued to be based on the principle that the Russian question concerns each of the members of the Little Entente separately and not the Little Entente as a whole.

THE POLISH-RUMANIAN ALLIANCE OF MARCH, 1921 AND 1926

The efforts of Rumanian diplomacy have been much more successful in another direction. An essential solidarity of interests exists between Poland and Rumania in view of the fact that both countries annexed extensive strips of Russian territory. But whereas Poland's annexation of parts of White Russia and the Ukraine was recognized by the Peace Treaty of Riga (March 18, 1921), which concluded the Russo-Polish War, no analogous renunciation has been made in the case of Bessarabia. Hence the Polish-Rumanian Treaty of Alliance (March 3, 1921) can be regarded as slightly more beneficial to Rumania, and its renewal for five years on March 26, 1926, constitutes a signal triumph of Rumanian diplomacy. By the terms of this treaty Poland and Rumania recognize one another's territorial integrity and political independence which they bind themselves to maintain against any attack from without. More specifically, the two countries pledge each other reciprocal assistance, regulated by a special military convention, in case either of them is the victim of unprovoked aggression, and promise not to conclude a separate armistice or peace.

The possibility of extending the Polish-Rumanian alliance to include all the border states carved out of the western part of the Russian Empire has not been lost sight of by Russian diplomacy ever since the attractive theory of the *cordon sanitaire* was advanced during the hectic days of the Peace Conference. During his visit in Paris in December, 1925, M. Tchitcherin declared in a significant statement to the press that while Russia was anxious to cultivate friendly relations with each of the Baltic States, separately, it would by no means recognize or help to create a federation forming a barrier from the Arctic Ocean to Poland, or perhaps as far as the Black Sea. Such a combination might have induced Russia to recognize the present status of Bessarabia. But it seems beyond the range of practical diplomacy, notwithstanding the persistent rumors at the time of the Russo-British break last summer that it was in the process of formation under British auspices as a first step towards the encirclement of Russia.

FRANCO-RUMANIAN RELATIONS

Next to the Polish alliance the strongest guarantee of Rumania's possession of Bessarabia is the French-Rumanian treaty of "peace, understanding and friendship" published on June 10, 1926. It provides (Article 4) that "if . . . France or Rumania should be attacked without giving provocation, the two governments shall take concerted measures without delay as to their respective steps to be taken within the framework of the Covenant of the League of Nations for the protection of their legitimate national interests and for the preservation of the *status quo* established by the treaties of which they are both signatories." It further states (Article 5) that the two governments are "in agreement as to the steps to be taken in common in the event of a modification or of any attempt to modify the political status of the countries of Europe." It appears from these provisions that while the French-Rumanian treaty constitutes a guarantee by France of the territorial integrity of Rumania, it offers the latter no military assistance against a Rus-

sian attack though that may be forthcoming indirectly because of Poland's alliance with both France and Rumania.

OPPOSITION OF THE SOVIET GOVERNMENT

The Russian Government was quick to sense the significance of the French-Rumanian treaty. In a note of protest to the French Government, dated October 2, 1926, M. Rakovsky registered "the painful impression" produced in Russia by the conclusion of a treaty by which "in fact the French Government promises Rumania . . . a collaboration which, while guaranteeing the maintenance of the *status quo*, permits it to prolong the illegal and violent occupation of Bessarabia." The Russian note concluded with the declaration that the Soviet Government looked upon the French-Rumanian understanding, which proclaimed the common interests of France and Rumania without making any reservations concerning Bessarabia, "as a hostile act." A milder protest was lodged with the Italian Government on October 6, 1926, after the signing of the Italo-Rumanian agreement and still another on March 19, 1927 after the long-delayed ratification by Italy of the Bessarabian treaty of October 28, 1920.

Russia has consistently maintained that this treaty, which it refused to sign, is illegal on the principle that "no alienation of territory can be considered as valid without the consent of the state to which that territory belonged." It has refused to regard the two votes of the Moldavian Diet in 1918 as representing the will of the Bessarabian people on the ground that the Diet was not an elected assembly "but only a meeting of delegates from political and military committees, municipalities and cooperatives," and in view of the fact that, at the time of the action of the Diet, Bessarabia was under Rumanian military occupation. It has, therefore, repeatedly proposed that the status of that province be determined by a plebiscite held under conditions that shall insure a genuine expression of the wishes of the Bessarabian people. To this demand Rumania has opposed a categorical *non possumus* despite the fact that the majority of

the population of Bessarabia is racially Rumanian. The anti-Rumanian attitude of the large Jewish minority, the pro-Russian leanings of a good part of the urban population and, above all, fear lest the Moldavian peasants opt for Russia, lured by its economic and social system rather than out of any nationalist predilections, are conceivably the motives actuating Rumania's recalcitrance on the question of the plebiscite. The setting up, on the eastern border of Bessarabia, of the Moldavian Soviet Republic under a régime of autonomy which Russia promises to extend to the whole of Bessarabia, and the attempted uprising at Tatar Bunar would indicate that these fears are not entirely groundless and that here as elsewhere Communist propaganda is in the service of Russia's foreign policy. Viewed from this angle Bessarabia appears as one of the major domestic problems of Greater Rumania. An honest and efficient administration, a more enlightened treatment of the minorities and, above all, an agrarian policy which will enable the Bessarabian peasantry to derive the greatest possible benefit from their newly acquired land would serve to make the domestic situation easier. But in the meantime, with Russia refusing to recognize what Rumania insists on regarding as a definitive settlement, Bessarabia remains one of the sore spots on the new map of Europe.

MAINTENANCE OF THE *STATUS QUO* IN THE BALKANS

In the Balkan Peninsula Rumanian expansion attained the point of saturation with the acquisition by the Treaty of Neuilly (Nov. 27, 1919) of the third and last section of the Dobrudja, the previous two cessions having been sanctioned by the Treaty of Berlin (1878) and the Treaty of Bucharest (1913), respectively. Hence, Rumanian foreign policy in the Balkans has been quite understandably concerned with the maintenance of the *status quo*. To this end the Rumano-Yugoslav Treaty of June 7, 1921—one of the corner stones of the Little Entente—provides for common action in case of attack on the part of Bulgaria as well as Hungary. Rumania has

consistently joined Yugoslavia and Greece in periodic protests against the activities of *comitadji* bands along the frontiers, but has been on the whole reluctant to exert more than perfunctory pressure on the Bulgarian Government. On the other hand, as an ex-enemy, Bulgaria had been infinitely more tractable than Hungary and, with more pressing problems to occupy its attention, it seems completely reconciled to the loss of the Dobrudja despite the agitation carried on by refugees from that province. During the Stambulinski régime Rumano-Bulgarian relations were somewhat strained because of the Agrarian leader's leanings towards Russia and Bolshevism. Hence his overthrow was welcomed in Rumania where the anti-Bolshevist violence of the Tsankoff régime met with whole-hearted approval. Indeed, fear of Communist propaganda resulting in a policy of ruthless repression of Bolshevism has been a bond of union between the two ex-enemy countries. It is mainly on account of the hostility of the Sofia Government to Communism and its alleged harboring of Russian emigrés that Russo-Bulgarian relations under Premiers Tsankoff and Liaptcheff have been almost as strained as Rumano-Russian relations, although neither a common land frontier nor a Bessarabian question exists between Russia and Bulgaria.

That Rumania, having realized the maximum of its territorial ambitions in the Balkan peninsula and faced with the ever-present menace of a Hungarian or a Russian *revanche*, should desire to crystallize the immutability of the Balkan *status quo* by a Balkan Pact of guarantee and non-aggression is easily intelligible. The idea of such a pact, originally advanced by M. Rentis, Foreign Minister of Greece during the first phase of the Pangalos régime, was endorsed by M. Mitilineu, the Rumanian Foreign Minister, in a speech before the Chamber of Deputies on April 13, 1927. But the plan met with a lukewarm reception both in Yugoslavia and in Bulgaria, whose governments feel that its conclusion would have to be preceded by the settlement, by direct negotiations, of certain outstanding questions.

RUMANIA'S ROLE IN THE LITTLE ENTENTE

The diplomatic instrument devised for the preservation of the *status quo* in Central Europe is the Little Entente, and as a member of that combination Rumania is drawn into the intricate maze of continental politics. Created by a network of treaties binding together Yugoslavia and Czechoslovakia, Rumania and Czechoslovakia, Yugoslavia and Rumania, the Little Entente is in reality a defensive triple alliance "founded," in the words of its chief architect, M. Benes of Czechoslovakia, "on real interests and restricted to common aims." Its one fundamental and explicit aim is to frustrate any attempt on the part of Hungary to disturb the Central European *status quo*, of which the members of the Little Entente are the main beneficiaries and Hungary the most irreconcilable victim and opponent. The restoration of the Hapsburgs in Hungary, the union of Austria with Germany or the establishment of a Danubian Confederation are other possible changes in Central Europe which the Little Entente states are united in opposing.

The policies of the Little Entente being negative, its continued existence will depend upon the persistence of these menaces, the greatest of which is the irreconcilability of Hungary. Its weakness lies in the lack of economic solidarity among its members. Owing to geographical exigencies, they have more in common economically with the ex-enemy countries over which they are mounting guard than with one another. When on March 14, 1924 Hungary signed the Protocols which initiated its financial reconstruction under the aegis of the League of Nations, this act, and a host of technical agreements between Hungary and the Little Entente Powers, gave rise to hopes that Hungary would adopt a more conciliatory attitude toward the Trianon settlement.* But Hungarian bitterness does not seem to have abated. Count Bethlen, the Hungarian Premier, claims indeed to have patterned his attitude towards the Treaty of Trianon after that of Dr. Stresemann towards the

*Toynbee, A. J. *Survey of International Affairs*, 1924, p. 432.

Versailles settlement; and while never missing an opportunity of denouncing the treaties, he frankly admits that the present international situation does not allow Hungary to raise the question of their revision.* But the state of mind of the Hungarian people is, by all accounts, far removed from the temper of the German people or of any of the other defeated nations.

THE POSITION OF HUNGARY AND ITALY

While Hungary maintains an attitude of proud and bitter irreconcilability towards all three members of the Little Entente, it is most vehemently hostile towards Rumania. It was, therefore, a wise stroke of policy for the latter to seek the support of Italy, which is not regarded as a thick-and-thin defender of the immutability of the *status quo*. But though Italy, by the treaty of friendship and arbitration of September 12, 1926, promised Rumania its "support and cordial cooperation in maintaining the international order," it showed itself quite as ready to conclude, on April 5, 1927, a treaty of friendship, conciliation and arbitration with Hungary. This act, while technically consistent with its previous obligations, has been regarded in Little Entente circles as giving unnecessary encouragement to Hungarian recalcitrance. In an obviously inspired article, the semi-official *Independance Roumaine*, after declaring that the Hungarian offensive against the Treaty of Trianon had demonstrated "the solidarity of those who defend the peace of Europe," proceeded to point an accusing finger at Italy as "the one victorious nation which has not protested as it should against Hungary's attempts to subvert the existing order" and whose press "quite semi-official under the régime of Signor Mussolini, has not found one word of disapproval to say against the agitations which . . . aim at altering the position of frontiers formally guaranteed by a treaty of friendship."†

The Italo-Hungarian treaty gave added significance to the Joachimsthal Conference of the Little Entente (May 13-15,

1927) at which "the solidarity of those who defend the peace of Europe" was once again reaffirmed. Shortly afterwards, on June 21, 1927, Lord Rothermere began a campaign in the *Daily Mail* for a drastic revision of the Treaty of Trianon which would restore to Hungary two of the three and a half million Hungarians now under Yugoslav, Czechoslovak and Rumanian rule, Rumania contributing 600,000 toward this total.

The menace of an eventual war on two fronts, conjured up by the English publicist to frighten the Little Entente Powers into making this gesture of generosity, is exactly what Rumanian diplomacy has been exerting itself to avert. Its existence was frankly recognized by M. Duca, the Rumanian Foreign Minister, when in a speech before the Senate on November 5, 1925 he deplored the failure of the Locarno agreements to remove two disquieting factors in Rumania's foreign relations—the attitude of Russia and the hostility of certain of the conquered nations "harboring a strong desire for revenge." A common hatred of Rumania is indeed the only bond of union between Red Russia and White Hungary, who are otherwise as hostile to one another today as Red Hungary and White Russia were in 1849 when the armies of Nicholas I helped the youthful Francis Joseph to stamp out the Hungarian revolution.

Rumano-Hungarian hostility is kept alive by a number of disputes growing out of the peace treaties. (See p. 394.) But these are merely symptoms of the profound estrangement existing between the two nations, and in an atmosphere of normal friendliness they would have been settled long since. The cause of this estrangement is the fact that the Treaty of Trianon while transferring about 3,000,000 Rumanians from Hungarian to Rumanian rule included over 1,600,000 Magyars in the same transaction, thus creating an *Ungaria irredenta* in the midst of Greater Rumania.

THE RIGHTS OF MINORITIES

The peace settlements have thus transformed Rumania from a national state, enjoying racial, religious and cultural homo-

*Speech before Foreign Affairs Commission of Hungarian Parliament, March 4, 1927.

†Quoted in *The Near East and India*, July 21, 1927.

geneity, into a heterogeneous state with a large and varied non-Rumanian population. The interest taken by their co-religionists in Europe and in America in the treatment of the several varieties of Protestants in Transylvania and of Jews throughout the Kingdom has repeatedly brought Rumania before the bar of Western opinion. On the other hand, the alleged conflict between domestic legislation and the Minorities Treaty of December 9, 1919, by which the minorities were placed under international protection, has given rise to many problems, the most baffling of which, the protracted litigation of the Hungarian optants in Transylvania, who have been expropriated by the Rumanian Agrarian Reform laws, has fanned the flames of Rumano-Hungarian hostility. The problem of how to deal with Magyar irredentism, indefatigably encouraged by Budapest agitators, is doubtless the most urgent and baffling of the problems of Greater Rumania.

Rumanization, meaning by that term the forcible endowment of the proud Magyars with a Rumanian national consciousness, is obviously out of the question. On the other hand, while it is claimed by the Hungarians and admitted by responsible Rumanians that the consequence of the Agrarian Reform will be to weaken the Magyar and correspondingly strengthen the Rumanian element in Transylvania,* it is doubtful whether Rumanization is the deliberate and systematic policy of Bucharest to anything like the same extent that Germanization was Bismarck's policy towards the Poles or Magyarization was the Hungarian policy before the war in the non-Magyar parts of Hungary. A comparison of the electoral methods of the two régimes is highly instructive in this connection. At the Hungarian general election of 1910, 3,000,000 Rumanians of Transylvania returned only 5 members to the Hungarian Parliament as against 400 returned by 10,000,000 Magyars. At the Rumanian general election of 1922, on the other hand, 1,600,000 Magyars elected only one representative (with two more at subsequent by-elections) as against over

350 elected by 13,000,000 Rumanians. But at this same election, conducted by the Liberal Government, the National Transylvanian Party elected only 25 members, whereas the Saxon minority, having come to an agreement with the Liberals, were able to win 9 seats. Again, at the general election of 1926, held by General Averescu's Government, the Magyar minority which had joined the administration "cartel" returned 13 members to Parliament, whereas the powerful Liberal party had to be satisfied with only 16. It would appear from this comparison that Rumanian electoral methods discriminate not so much against the minorities as such as against the opposition parties in general.

MINORITY RIGHTS PROMISED BY TRANSYLVANIAN RUMANIANS

The alternative to Rumanization would be a policy of benevolence and enlightenment that would tend to stifle Magyar irredentism and the discontent of the other minorities by its very liberality. Such a policy would involve faithful observance by the Rumanian Government of (1) the Resolutions of Gyulafehervar (Alba Julia), whereby on December 1, 1918, the National Assembly of the Transylvanian Rumanians proclaimed the union of Transylvania with the mother country; and (2) the Minorities Treaty of December 9, 1919. The Resolutions of Gyulafehervar, so far as they concern the minorities, laid down as "fundamental principles of the new Rumanian state": (1) "complete national liberty for all the cohabiting peoples of Transylvania. Each people to educate, govern and judge itself in its own language through the medium of persons from its own midst. Every people to have the right of legislative representation and of taking part in the administration of the country in proportion to the number of individuals of whom it is composed. (2) Equality and complete autonomous religious liberty for every denomination in the state."

This generous if somewhat impolitic attempt of the Transylvanian Rumanians to determine the future polity of the entire Rumanian state seemed to justify the suspicion in which their "autonomist" and

*Szász, Zsombor de, *The Minorities in Rumanian Transylvania*, 1927, pp. 153-175.

"regionalist" tendencies were held by the Rumanians of the Regat. The resolutions of Gyulafehervar received no formal recognition in the Constitution of 1923, obviously drafted with a view to strengthening the unitary character of Greater Rumania. And M. Ion Bratianu pronounced their obituary when he declared that "the Rumanian state, forming the national integrity of the Rumanians, is not the result of Gyulafehervar. . . . The basis, the reality of it, is the treaty with the Allies sealed with the blood of 800,000 soldiers."* As for the National Transylvanian party, which is responsible for the Gyulafehervar pronouncement, while naturally inclined to be more liberal towards the minorities, it is fundamentally at one with the Liberals in regarding Greater Rumania as a unitary and national state and in refusing to grant to non-Rumanians the political, administrative, and judicial autonomy implicit in the Gyulafehervar resolutions.

THE INTERNATIONAL AGREEMENT OF DECEMBER, 1919

The second charter guaranteeing the liberties of the minorities is not as easily disposed of. For it is an international agreement, concluded on December 9, 1919, between the Principal Allied and Associated Powers and Rumania, Article 12 of which reads:

"Rumania agrees that the stipulations of the foregoing articles, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations."

Similar treaties were also signed by the other central and eastern European states which at the end of the World War annexed German, Austro-Hungarian, Bulgarian and Turkish territory—viz., Poland, Czechoslovakia, Yugoslavia and Greece. These minorities treaties are an elaboration and extension of the practice followed by European diplomacy throughout the 19th century whenever an independent Balkan State was carved out of the Ottoman Empire.† Hence the treaties of 1830 and 1863, 1856, 1858 and 1878 contain pro-

visions for the protection of the minorities, mainly Moslem and Jewish, of the New Balkan states, not unlike those agreed to repeatedly by the Ottoman Government since the Treaty of Kutchuk Kainardji (1774) which made the subject races of that Empire the object of the solicitude of one or more of the Great Powers. When at the end of the World War large minority groups, in most cases of the ex-ruling race, were handed over to the victorious states of eastern, central and south-eastern Europe, each of the latter was called upon to conclude a Minorities Treaty with the Principal Allied and Associated Powers.* But M. Bratianu balked. "We regard the minority peoples," he declared several years later in the course of the debate on the Rumanian Constitution, "as Rumanians and only minorities in point of numbers. They must not believe that as minorities they are entitled to privileges."†

A statesman holding these convictions could not sign the Minorities Treaty, for "privileges" are exactly what it confers upon the minority peoples by international sanction and under international control. Nor is it possible to embody the special dispensation thus created for minorities in a sweeping constitutional provision to the effect that "Rumanians without distinction of ethnic origin, language or creed enjoy freedom of conscience, freedom of teaching, freedom of the press, freedom of assembly, freedom of association and all the liberties and rights established by the laws." (Article 5 of the Constitution of 1923). Now freedom of teaching, for example, for the Saxon minority is not conceivable unless the German language can be used in its schools. And this is exactly the "privilege," among many others, secured for it by the Minorities Treaty finally signed for Rumania by Premier Vaida Voivod on December 9, 1919.

THE POSITION OF THE LEAGUE OF NATIONS

The position of the League of Nations under the guarantee of which the minori-

*Szasz, *op. cit.* p. 36.

†Temperley, H. W. V. *A History of the Peace Conference*, Vol. IV, p. 111-116.

*See *Protection of Minorities in Europe*, F. P. A. Information Service, Vol. II, No. 9, July 3, 1926.

†Debates of Chamber of Deputies, 1923, quoted by Szasz, *op. cit.* p. 38.

ties treaties are placed by Article 12, was defined in the Tittoni report of October 22, 1920, laying down the principles that (1) "the Treaty provisions regarding minorities are inviolable" and (2) "the League must ascertain that these provisions are always observed."* To this end an elaborate procedure has been gradually evolved by the League which endeavors to hold an even balance between the minorities and the states to which they owe allegiance. Its most important principles are: (1) a petition submitted by a minority to the Secretariat of the League is not admitted unless it meets five tests of admissibility; (2) once admitted it is referred to the Council, but before it is discussed it is communicated to the state concerned; (3) in case of a difference of opinion as to questions of law or fact between the state concerned and any member of the Council, the question is referred to the Permanent Court of International Justice for a final decision. The task of the Secretariat, defined by a resolution of the Assembly (Sept. 21, 1922), is not only to collect information "concerning the manner in which the minorities treaties are carried out," but also, significantly enough, to assist the Council in "ascertaining in what manner the persons belonging to racial, linguistic or religious minorities fulfill their obligations towards their states."†

An abortive attempt was made by Hungary to amend this procedure in the interest of the minorities. At the Sixth Assembly of the League, (Sept., 1925) Count Apponyi, chief of the Hungarian delegation, laid the blame for what seemed to him the unsatisfactory state of the minorities question at the door of the procedure adopted by the League. This he proposed to amend so as (1) to allow petitions to be laid before the Council without further examination, (2) to allow representatives of the minorities to be heard at all stages of the proceedings "as in an ordinary lawsuit" and (3) to make reference to the Permanent Court of International Justice compulsory at the request of one of the petitioners whenever a point of law was raised.

*Toynbee, A. J., *Survey of International Affairs, 1920-1923*. p. 218.

†*Ibid.*

Hungarian dissatisfaction with the work of the League was further emphasized when during the same Assembly the Hungarian delegation refused to join in a resolution commending the work of the Council and the Secretariat as regards minorities.*

THE CULTURAL RIGHTS OF MINORITIES

Concerning the cultural rights of the minorities in Rumania, Article 9 of the Minorities Treaty reads:

"Rumanian nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Rumanian nationals. In particular they shall have an equal right to establish, manage and control at their own expense, charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein."

And Article 10 stipulates:

"Rumania will provide in the public educational system in towns and districts in which a considerable proportion of Rumanian nationals of other than Rumanian speech are resident adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Rumanian nationals through the medium of their own language. This provision shall not prevent the Rumanian government from making the teaching of the Rumanian language obligatory in the said schools. . . ."

Finally by Article 11 Rumania agreed:

". . . to accord to the communities of the Saxons and Czecklers† in Transylvania local autonomy in regard to scholastic and religious matters, subject to the control of the Rumanian state."

An inquiry into the extent to which these obligations have been carried out by Rumania is beyond the scope of this report. Evidence on the subject supplied by successive commissions sent to Transylvania by British and American Protestant churches conflicted with evidence supplied from official Rumanian sources. There was wide divergence also between Rumanian statements and the findings of the latest deputation of the American Committee on

*League of Nations, *Official Journal*, 1925. Special Supplement No. 33.

†Czecklers, or Szekelys: the compact group of Magyar-speaking people in eastern Transylvania who preceded the Magyars proper and are said to be the descendants of Attila's Huns.

the Rights of Religious Minorities which has only recently returned from Rumania.*

LEAGUE COMMITTEE REPORTS ON EDUCATIONAL POLICY

The educational policy of the Rumanian Government towards the Transylvanian minorities was investigated by a committee consisting of one British, one French and one Japanese member appointed by the Council of the League of Nations to consider complaints submitted by the Catholic, Reformed and Unitarian churches of Transylvania against the Private Education Law of December, 1925. The report of the committee submitted to the Council on March 18, 1926, first interpreted the stipulation of Article 9 of the Minorities Treaty that the minorities shall have "an equal right to establish, manage and control schools at their own expense with the right to use their own language therein." The committee ruled that the intent of this provision was to establish equality not between the state schools and the private (denominational) schools of the minorities, as the petitioners contended, but merely between the private schools of the minorities and the private schools of the majority. The Committee further maintained that the Private Education Law, in giving the minorities the right to issue recognized certificates, adopted a more liberal attitude than a strict application of the Treaty alone would require; but that, on the other hand, the requirement that the instruction in certain subjects should be given in the Rumanian language could be interpreted as a violation of Article 9 of the Treaty. The report also pointed out that the strict supervision of the denominational schools by the public authorities, which it conceded to be within the powers of the State, might give rise to difficulties and lead to discrimination. Finally, as regards individual cases cited by the petitioners as evidence of Rumanian hostility to the minorities, the committee came to the conclusion that "the petitioners' statements in a large number of cases do not correspond to the facts as revealed by the enquiries, facts and documents examined."†

The political aspect of the problem of the

minorities was strikingly emphasized at the sixth meeting of the 37th session of the Council of the League of Nations. In the course of his statement the Rapporteur, M. Mello Franco of Brazil, expressed the conviction that "those who conceived this system of protection did not dream of creating within certain states a group of inhabitants who would regard themselves as permanently foreign to the general organization of the country." Quite on the contrary this special status was created for the minorities in order "gradually to prepare the conditions necessary for the establishment of complete national unity."‡ These views, heartily concurred in by such representative statesmen as Sir Austen Chamberlain, M. Benes and M. Hymans, amounted both to an assurance to the minorities that the League would safeguard their rights and to a warning that their ultimate destiny was amalgamation with the ruling race.

Therein lies the tragic dilemma. For it is felt by the dominant nationalities of the various states in which this problem is most acute that these two propositions are essentially contradictory: that a scrupulous regard for the rights of the minorities as guaranteed by the treaties would tend to perpetuate those differences that obstruct the formation of a unified national consciousness and thus indefinitely delay amalgamation. It is also felt that a policy of unexceptionable benevolence, in the case of irredentist minorities in particular, might not tend to create loyalty towards the state to which they owe political allegiance in preference to the contiguous one to which they continue to be drawn by an irresistible emotional urge. "Church, school and nationality are so interlocked in Transylvania," writes an able Hungarian spokesman, "that the destruction of one of these factors endangers the existence of both the others."† But Hungarian nationality in Transylvania inevitably connotes Hungarian irredentism, just as Rumanian nationality in the same province before 1918 meant Rumanian irredentism. It is to this uncomfortable conviction that is mainly attributable the

*New York Times, December 7, 1927.

†League of Nations, *Official Journal*, June, 1926.

‡League of Nations, *Official Journal*, Feb. 1926.

†Szász: *Op cit.* p. 249.

acuteness of the minorities problem in those states to which the peace treaties transferred large groups of unwilling subjects.

THE MINORITIES AND AGRARIAN REFORM

Quite as serious as the cultural aspects of the problem of the minorities are the economic grievances caused mainly by the extension of the Rumanian agrarian reform laws to Transylvania. The distribution of land among the landless peasantry, a reform long overdue in Rumania, was hastened by the disasters of the war and by the Russian revolution and was subsequently extended to the annexed provinces, where it was quite as imperatively needed as in the Regat. It would, therefore, be unfair to assert that the agrarian reform in Transylvania was deliberately aimed at the Hungarian minority. But in view of the fact that seventy-nine per cent of the estates containing more than 200 acres were owned by Hungarians,* it was they, or rather the small minority of large estate owners, that were hardest hit by the expropriation.

As guarantor of the Minorities Treaty the League of Nations has been repeatedly called upon to settle the conflicts to which such a sweeping measure was bound to give rise. The Council of the League during its 35th session considered a petition of the Hungarian peasants, settled by the Hungarian government since 1885 in various parts of Transylvania, who had been condemned to partial expropriation by Article 10 of the Agrarian Law of July 30, 1921. The Rumanian Government offered to distribute 700,000 gold francs as compensation among the petitioners; and M. Mello Franco of Brazil, chairman of the committee of inquiry appointed by the Council, while expressing doubts in regard to the validity of the disputed article, recommended that the Rumanian offer be accepted as "reasonable."† The distribution of this sum among the expropriated Hungarian settlers was carried out by the Rumanian Government, which periodically reported progress to the League, the last

report (June 9, 1927) being to the effect that a minority persisted in their refusal to accept their share of the compensation.

THE QUESTION OF THE HUNGARIAN OPTANTS

Another and far more serious dispute arising from the application of the agrarian laws in Transylvania concerned the Hungarian optants, i. e., about 300 Hungarian landowners who, having been transferred to Rumanian rule by the Treaty of Trianon, opted for Hungarian nationality and were expropriated by the Agrarian Reform Law of July 30, 1921. Their case, which was first brought before the Council of the League of Nations in March, 1923, and is still pending at this writing, does not, properly speaking, come under the general problem of the minorities, since the plaintiffs chose to become Hungarian citizens. It is rather a dispute between Hungary, representing its expropriated nationals, and Rumania, who refuses to exempt them from the operation of its agrarian laws. It involves, fundamentally, the rather familiar conflict between national sovereignty and international law, the former expressed in the agrarian reform legislation of the Rumanian state, the latter represented by the obligations which it is alleged to have assumed by the Treaty of Trianon, and, secondarily, by the Minorities Treaty.

Article 63 of the Treaty of Trianon provides that Hungarians resident in the provinces transferred by Hungary to Rumania shall be entitled within a period of one year to opt for Hungarian nationality but, at the same time, "to retain their immovable property in the territory of the other state where they had their place of residence before exercising their right to opt." A further safeguard is contained in Article 250 which stipulates that the property of Hungarian nationals "situated in the territories which formed part of the former Austro-Hungarian Monarchy shall not be subject to retention or liquidation" notwithstanding the confiscatory intent of Article 232. Moreover, the same article stipulates that "such property, rights and interests shall be restored to their owners freed from any measure of this kind . . . in the condition in

*Szász: *Op. cit.* p. 157.

†League of Nations, *Official Journal*, October, 1925.

which they were before the application of the measures in question" and that "claims made by Hungarian nationals under this article shall be submitted to the Mixed Arbitral Tribunal provided for by Article 239." Furthermore, Article 3 of the Minorities Treaty confirms the privilege of the Hungarians of the annexed provinces to opt for Hungarian nationality and reiterates that "persons who have exercised the above right to opt . . . will be entitled to retain their immovable property in Rumanian territory." Finally, by Article 1 of the same treaty, "Rumania undertakes that the stipulations contained in Articles 2 to 8 of this chapter shall be recognized as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them."

THE HUNGARIAN APPEAL TO THE LEAGUE OF NATIONS

When the Agrarian Reform Law of July 30, 1921 deprived of their land several hundred Hungarian landowners who had opted for Hungarian nationality and gave them in compensation about one per cent of its gold value, these landlords invoked the aforementioned safeguards, taking two distinct steps to protect their interests. They appealed to the Hungarian Government, which after two abortive attempts to bring the question before the Conference of Ambassadors invoked, at the latter's suggestion, the good offices of the Council of the League of Nations. In a communication dated March 15, 1923, the Hungarian Government requested the Council "to order that the immovable property of the Hungarian optants affected by the confiscatory measures of the agrarian reform . . . be restored to their rightful owners in the state in which it was before the application of the measures in question, that it be maintained in that state in the future exempt from all charges contrary to the provisions of the treaties and that full indemnity for losses suffered be paid to the wronged parties."*

The Hungarian claim was that in view of the exiguous compensation offered to the

landowners and the drastic provisions regarding the property of so-called "absentees," "expropriation along these lines differed very slightly from confiscation pure and simple" and hence violated Article 250 of the Trianon Treaty.*

On the other hand, several applications were made to the Mixed Arbitral Tribunal established under Article 239 of the Trianon Treaty for a decision upholding this contention.

POLITICAL SETTLEMENT VS. LEGAL DECISION

In response to the Hungarian Government's appeal the Council appointed Ambassador Adatci of Japan to act as mediator and as a result of direct Rumano-Hungarian negotiations conducted in Brussels in May, 1923, under Mr. Adatci's chairmanship, a declaration was agreed upon whereby Hungary undertook to put forth every effort to "pacify" its nationals, while Rumania promised "to give proof of its good will as regards the interests of the Hungarian optants." But this agreement, which seemed summarily to dispose of the Hungarian case, was immediately repudiated by the Hungarian Government, though it was approved by the Council of the League.

The Mixed Arbitral Tribunal, on the other hand, in a decision rendered on January 10, 1927, upheld the Hungarian position. It ruled that "an expropriation without consent and by implication without compensation was a measure of liquidation under Article 250 and that it was necessary to examine each case independently on its merits to determine whether actually the expropriation or seizure in question constituted a "retention or liquidation."†

The Rumanian Government demurred to this decision and withdrew its arbitrator from the Mixed Arbitral Tribunal.

The Brussels declaration and the ruling of the Mixed Arbitral Tribunal gave an indication of the relative strength of the litigants and determined their subsequent course. Rumania, apparently feeling that

*Negulescu, D. *La loi agraire en Roumanie et son application aux optants hongrois*, Revue du droit international. 3rd series, Vol. VI.

*Borchard, E. M. *Opinion on the Rumanian-Hungarian Dispute*, p. 15.

†*Ibid.*, p. 5.

its case was stronger politically than legally, has insisted ever since upon the handling of the dispute as a political issue embittering Rumano-Hungarian relations and threatening to disturb international peace. On the basis of this conception, it appealed to the League of Nations under Article 11 of the Covenant. Hungary, on the other hand, taking its cue from the favorable decision of the Mixed Arbitral Tribunal, has strenuously emphasized the legal character of the dispute and demanded that it receive a judicial rather than a political settlement. Hence the Hungarian appeal to the Council of the League after the withdrawal of the Rumanian arbitrator from the Mixed Arbitral Tribunal was based on Article 239 of the Treaty of Trianon which makes provision for the filling of vacancies on such tribunals through the instrumentality of the Council.

LEAGUE COUNCIL REPORT IGNORES LEGAL DECISION

At its 46th session in March, 1927, the Council, heeding the Rumanian rather than the Hungarian request, appointed a Committee of three consisting of Sir Austen Chamberlain of Great Britain (as chairman), Viscount Ishii of Japan, M. Villegas of Chile. This Committee submitted its report at the 47th session in September, 1927.

After giving a brief history of the dispute, the report laid down three principles which, in the view of the Committee, the acceptance of the Treaty of Trianon had made obligatory for Rumania and Hungary. These principles, which rode rough-shod over the decision of the Mixed Arbitral Tribunal and cut at the very roots of the Hungarian case, were as follows:

"1. The provisions of the Peace Settlement effected after the war of 1914-18 do not exclude the application to Hungarian nationals (including those who have opted for Hungarian nationality) of a general scheme of agrarian reform.

"2. There must be no inequality between Rumanians and Hungarians, either in the terms of the Agrarian Law or in the way in which it is enforced.

"3. The words 'retention and liquidation' mentioned in Article 250, which relates only to the

territory ceded by Hungary, apply solely to the measures taken against the property of an Hungarian in the said territories, and insofar as such owner is an Hungarian national."

The Committee then suggested that the Council invite both parties to accept these principles and give Rumania the opportunity to reinstate its member on the Mixed Arbitral Tribunal, and recommended certain alternative sanctions in case Hungary or Rumania or both refused to respond.

The ensuing debate brought out the hopeless irreconcilability of the two points of view. Count Apponyi, representing Hungary, unequivocally condemned the Report. He reiterated his conviction that the question of the competence of the Mixed Arbitral Tribunal in the matter was a legal and not a political one and as such to be decided not by the Council, whose right to sit as a court of appeal from the Mixed Arbitral Tribunal he disputed, but by the Permanent Court of International Justice, to which he suggested that the issue be referred. He admitted that the basic contention of Hungary was that the treaties created a special status for the Hungarian nationals entitling them to preferential treatment. "I have," he said, "the absolute legal conviction that the first proposal (of the Report) which lays down peremptorily that all differential treatment between nationals and foreigners should be excluded is a legal error." He asserted that the Hungarian Government could not "unilaterally dispose of rights which belong to its nationals and not to itself . . . and which they believe themselves to possess under the treaties." Finally he declared his government's readiness "to make concessions to the spirit of equity and to all the social and financial interests of Rumania provided the question is dealt with judicially."

M. Titulescu, representing Rumania, welcomed the Report and strongly recommended its adoption by the Council. He pointed out that Count Apponyi was demanding much more in 1927 than in 1919 while the Treaty of Trianon was being drafted. What he asked for then was that no measures be taken against the property of Hungarian nationals which did not apply "under the same conditions to the subjects

of the liquidator state or the state executing that measure." Acceptance of the principle that the Hungarian optants were entitled to preferential treatment would establish a dangerous precedent. "If," said M. Titulescu, "we accept the principle today . . . by which you will have a right to preferential treatment over Rumanians, we ought to apply it to all foreigners . . . and the Rumanian proprietors in the other provinces will not understand why they should be the only people to be ill-treated in comparison with foreigners."*

The recommendations of the Chamberlain Report were not adopted by the Council and the question was adjourned to the 48th ses-

*League of Nations, *Official Journal*. October, 1927.

consider it. Thus the dispute at this session in December which, however, failed to ing appears to be as far from settlement as when it first arose five years ago. Hungary still insists on the legal rights of its nationals guaranteed by the treaties which are to be safeguarded by the legal route, through the instrumentality of the Mixed Arbitral Tribunal and the Permanent Court of International Justice; while Rumania contends that "the Treaty of Trianon merely guaranteed to the Hungarian optants a right of property within the limits of the Rumanian law,"* and that the acceptance of their demands will not only constitute an invasion of the sovereignty of the Rumanian state but also cause serious social unrest.

*Negulescu, D., *Op. cit.*

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